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| 09/847,480      | 05/02/2001  | Suzan Hardy          | 20010196.ORI        | 6233             |

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EXAMINER

MORRISON, NASCHICA SANDERS

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 04/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,480

Applicant(s)

HARDY, SUZAN

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is the first Office Action for serial number 09/847,480, Support Device, filed on May 2, 2001. Claims 1-15 are pending.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Foldable Support Device.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: on line 6 insert -- edge-- after "the opposite". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 1, all instances of "the said" before an element should be changed to one of --the-- or --said-- (see lines 4,6,7,13,14, and 16). See also claim 8, line 3.

Regarding claim 1, line 15 "the other panels" and "said panels" are indefinite terms since it is not clear which of the aforementioned panels the applicant is referencing. Appropriate correction is required.

Claim 2 recites the limitation "the activity sheets" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the edge of the support panel near the juncture of the elevation panel and said support panel" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10, line 2 the term "hinge-like" is indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,8,9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,305,652 to Borke et al. (Borke) in view of U.S. Patent 4,143,847 to Cross. With regards to claims 1,3,4,8,9, and 11-13, Borke discloses a foldable plastic support device (Fig. 7) formed from rectangular, planar upper and lower parallel support surfaces (at 20, surface between 20 and 44) having a plurality of cuts, each cut running through the upper surface from one side edge of the upper surface to an opposite side edge, each cut permitting folding of the device about a corresponding fold line in the lower surface, the cuts and fold lines being of a number and spaced so as to form, in sequence, a working surface panel (20), an elevation panel (28), a support panel (32), and a lip panel (38); the support panel being smaller than the working surface panel, the elevation panel being smaller than the support panel, and the lip panel being the smallest; the panels foldable, about the fold lines in the lower surface, in one direction out of the plane of the parallel surfaces, into an operative configuration so that the working surface panel (20) is upwardly and rearwardly inclined with respect to a horizontal working surface, wherein the device is supported at a lower front edge (22) of the working surface panel (20) and along an edge of the support panel near the juncture of the elevation and support panels, friction means (44, col. 6, line 24) are provided on the lower front edge of the support panel and supporting surfaces of the support panel (32); wherein the panels (20,38) are provided with hook and pile fasteners (44,46) for holding the panels in the operative configuration; wherein the panels are foldable into a flat, storable, carrying configuration (Fig. 4) with the lower surface of the support panel (32) confronts the lower surface of the working surface

panel (20). Borke does not disclose the device formed of sheets separated by spaced, parallel ribs. Cross teaches a foldable support device (Fig. 1) formed of parallel sheets (92,93) separated by spaced, parallel ribs (see Fig. 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device to be formed from a material such as that disclose by Borke since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claims 12 and 13, Borke does not disclose the lower surface of the support panel (32) including securing means for engagement with the hook and pile fasteners on the lower surface of the working surface panel (20) in the carrying configuration. However, Borke does teach the lower surface of the lip panel (38) including hook and pile fasteners (46) for engagement with the hook and pile fasteners (44) of the working support panel (20) in a carrying configuration (Fig. 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the lower surface of the support panel by providing hook and pile fasteners for mating with hook and pile fasteners on the working surface panel because one would have been motivated to permit releasable securement of the panels (20,32) in the compact carrying configuration of Figure 4 as taught by Borke (Fig. 8).

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Cross and further in view of U.S. Patent 5,042,670 to Timberlake. With regards to claim 2, Borke in view of Cross discloses the support device as applied above, but does not teach clip means. Timberlake teaches a support device (Fig. 3) including a

working surface (29) having clip means (37) at its rear edge (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by including clip means because one would have been motivated to have provide a means for securely supporting a document resting on the working surface as taught by Timberlake.

Claims 5-7,14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Cross and further in view of U.S. Patent 4,722,504 to Degenholtz. With regards to claims 5-7,14, and 15, Borke does not disclose the lip panel (38) including hook and pile fasteners on the upper surface for engagement with the hook and pile fasteners (44) on the lower surface of the working surface panel (20). Degenholtz discloses a support device (Fig. 11) including a working surface panel (208) and a lip panel (214) having hook and pile fasteners (212) on an upper surface for engagement with hook and pile fasteners on a lower surface of the working surface panel (208). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the lip panel by providing hook and pile fasteners on the upper surface as an alternative arrangement for securing the lip panel to the working surface panel as taught by Degenholtz. Regarding claim 5, Borke in view of Cross in view of Degenholtz does not disclose the lip panel secured to a mid portion of the working surface panel; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by attaching the lip panel along various locations of the working surface panel because one

would have been motivated to permit variance in the angle of inclination of the working surface panel as inherently taught by Borke (Figs. 5A-7).

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borke in view of Cross in view of Timberlake, and further in view of U.S. Patent 5,722,691 to Patel. With regards to claim 10, Borke in view of Cross in view of Timberlake discloses the support device as applied to claim 2 above, but does not disclose the clip means including a pair of jaws. Patel teaches a support device (Fig. 2) comprising a working surface panel (20) including clip means (Fig. 5) comprising an upper jaw (40) hingedly interconnected to a bottom jaw (52) affixed to the working surface panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support device by providing a clip means having biased upper and lower jaws because one would have been motivated to permit gripping and holding of thin sheets supported by the device as taught by Patel.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

337544 to Yaggy; 669009 to Ingraham; 2222665 to Hoenigsberg;  
2490356 to Hummel; 3121884 to Emery; 3305205 to Frankl; 3450420 to Smith;  
4044980 to Cummins; 4259568 to Dynesen; 4522364 to Charney et al;  
4544123 to Peacock; 4607817 to Aquino; 6196512 to Ure;  
6213439 to Giluie et al.; 6270049 to Olvey

The above references disclose support devices relevant to Applicant's invention.



Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3598 (formal amendments) or (703) 308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.



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3/22/02



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